

Students

Policy Regarding Sex Discrimination and Sexual Harassment

It is the policy of the Avon Board of Education to prohibit any form of sex discrimination or sexual harassment. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy will be subject to disciplinary action.

The Superintendent of Schools, or his/her designee, will develop administrative regulations implementing this policy.

Definitions

Sex discrimination occurs when a person, because of his or her sex, is denied participation in or the benefits of any educational program receiving federal financial assistance.

Sexual harassment: In a school setting, sexual harassment is conduct that

1. is sexual in nature;
2. is unwelcome; and
3. denies or limits a student's ability to participate in or benefit from a school's educational program.

Sexual harassment can be verbal, nonverbal, or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive such that it interferes with or limits a student's ability to participate in or benefit from the school's program.

Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic programs.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Displays of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.

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6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol.

Procedure

It is the express policy of the Avon Board of Education to encourage victims of sexual discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate individual as set forth in the administrative regulations of this policy. The administration will investigate such complaints promptly, take interim measures, and take corrective action where appropriate. The district will maintain confidentiality to the extent appropriate. The Avon Board of Education will not tolerate reprisals or retaliation that occurs as a result of the good faith reporting of such charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators and periodically distribute this policy and the administrative regulations to personnel and students in an effort to maintain an environment free of sexual discrimination and sexual harassment.

Sex discrimination and/or sexual harassment may also constitute bullying behavior under the Board's bullying policy.

Legal References: United States Constitution, Amendment XIV
 Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, *et seq.*
 Title IX of the Education Amendments of 1972, 34 C.F.R §106.1, *et seq.*
 Gebser v. Lago Vista Independent School District, 524, U.S. 274 (1998)
 Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
 Office for Civil Rights, U.S. Department of Education, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* 66 Fed. Reg. 5512 (January 19, 2001).
 Office for Civil Rights, U.S. Department of Education, Dear Colleague Letter: Sexual Violence (April 4, 2011).
 Constitution of the State of Connecticut, Article I, Section 20

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Complaint Procedure

It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to promptly report such claims to the Principal or his/her designee. Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. In appropriate circumstances, due to the age of the student making the complaint, a parent or school administrator may complete the written complaint on behalf of the student.

As soon as the student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she or his/her parent/legal guardian should make a written complaint to the building principal or his/her designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights.

The written complaint will include:

1. Name of the complainant;
2. Date of the complaint;
3. Date(s) of the alleged harassment/discrimination;
4. Name(s) of the harasser(s) or discriminator(s);
5. Location where such harassment/discrimination occurred;
6. Names of any witness(es) to the harassment/discrimination;
7. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
8. Remedy requested.

Any student who makes an oral complaint of harassment or sex discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.

Employees and students will submit all complaints to the Principal unless that individual is the subject of the complaint, in which case they should submit the complaint to the Superintendent of Schools.

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If the complainant is a minor student, the Principal or Superintendent of Schools, or his/her designee, should also consider the appropriateness of completing a child abuse report.

Upon receipt of a written sexual harassment complaint, the Title IX Coordinator or designee shall promptly investigate all complaints of sexual discrimination or sexual harassment against a student, regardless of whether the conduct occurred on or off-school grounds. The investigation shall be conducted discretely, and will maintain confidentiality insofar as possible while still conducting a thorough and effective investigation.

Any student who makes a complaint shall be notified of the district's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the district will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality of that, the district not investigate the complaint. If the student insists that his/her personally identifiable information not be shared with the alleged perpetrator, the student will be informed that the district's ability to investigate and/or take corrective action may be limited.

Upon receipt of a sexual harassment or sex discrimination complaint, the Title IX Coordinator shall either promptly commence and investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX coordinator or designee shall:

1. Offer to meet with the complainant within then (10) school days to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;
2. Provide the complaint with a copy of the Board's sexual harassment policy and accompanying regulations;
3. Consider whether any interim measures may be appropriate to protect the alleged victim, pending the outcome of the investigation;
4. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
5. Consider whether alleged sex discrimination or sexual harassment has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;

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6. Communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a part to the complaint (to the extent permitted by state and federal confidentiality requirements); within sixty (60) school days from the date, the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days in needed to complete the investigation. The complainant shall be notified of such extension.

The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law.

When sex discrimination or sexual harassment has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the harassment or discrimination, as deemed appropriate by the Superintendent, or his/her designee, and take steps to remedy the effects of the sex discrimination or sexual harassment.

If the student complainant or alleged perpetrator is dissatisfied with the findings of the investigation, he or she may file a written appeal within thirty (30) calendar days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sexual harassment or sex discrimination.

The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant, in writing, within fifteen (15) school days following the receipt of the written request for review.

If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.

Retaliation against any individual who complains pursuant to the Board's policy and regulations is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of a filing complaint.

At any time, a complainant alleging sex discrimination or sexual harassment may file a formal

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complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921, (617) 289-0111.

Copies of this regulation will be distributed to all students.

Title IX Coordinator

The Title IX Coordinator for the Avon Board of Education is Mr. Roberto Medic, whose office is located at 34 Simsbury Road, Avon, CT 06001 and whose telephone number is 860-404-4700.

Legal References:

United States Constitution, Amendment XIV

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, *et seq.*

Title IX of the Education Amendments of 1972, 34 C.F.R §106.1, *et seq.*

Gebser v. Lago Vista Independent School District, 524, U.S. 274 (1998)

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Office for Civil Rights, U.S. Department of Education, Dear Colleague Letter: Sexual Violence (April 4, 2011).

Constitution of the State of Connecticut, Article I, Section 20

AVON BOARD OF EDUCATION

**COMPLAINT FORM REGARDING SEX DISCRIMINATION AND SEXUAL
HARRASSMENT – STUDENTS**

Name of the complainant: _____

Name of the student: _____

Date of the complaint: _____

Date of the alleged discrimination/harassment: _____

Name or names of the discriminator(s) or harasser(s): _____

Location where such discrimination/harassment occurred: _____

Name(s) of any witness(es) to the discrimination/harassment: _____

Detailed statement of the circumstances constituting the alleged discrimination or harassment:

Signature of Student Complainant

Date

And/or Parent-Guardian of Student

Date

For Office Use Only

Form Received by: _____ Date: _____